

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5623 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KHUDWA District- Aurangabad

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1. Rajesh Chaudhary @ Rajesh Chaudhari Son Of Bhola Chaudhary Resident Of Village- Malwan, P.S.- Khudwan, District- Aurangabad (Bihar)
 2. Rakesh Chaudhary Son Of Bhola Chaudhary Resident Of Village- Malwan, P.S.- Khudwan, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagjeevan Ram Son Of Tapeswar Ram Resident Of Village- Malwan, P.S.- Khudwan, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aman Vishal, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	NONE

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 25-04-2024 Learned Special Public Prosecutor submits that he has already complied the order dated 14.03.2024 passed by this Court and has informed the respondent no.2 regarding institution of the present case but, no one on her behalf has turned up today.

2. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State. None appears for the informant.

3. The instant appeal has been filed by the appellant



against the order dated 12-10-2023 passed by learned 1st Additional District and Sessions Judge, Aurangabad, whereby the prayer for bail of the appellants in connection with Khudwan PS Case No. 15 of 2023 under Sections 147, 148, 149, 341, 323, 326, 307, 302, 504 & 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r), 3(1)(s), 3(2)(v), 3(2)(va) of SC/ST Act was rejected.

4. As per prosecution case, the accusation against the accused persons including the appellants is of being involved in the commission of murder of the deceased. It has been alleged that the accused persons have fired indiscriminately on the victims of this case in which one lady was killed and many others were got injured.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case due to village politics and previous enmity. There is no direct or specific allegation of any over act against the appellants rather the same is general and omnibus. The specific allegation is upon co-accused 'Satyendra Chaudhary' who fired upon the informant's mother 'Mohramani Devi' who died soon thereafter. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the



informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellant No. 1 is in custody since 28-08-2023 and appellant No. 2 has surrendered on 01-09-2023, and have no criminal antecedent.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants, stating that the appellants are named in the FIR and in the injury report, the nature of injury has been mentioned as grievous and the cause of injury by pellet. It is lastly submitted appeal of the similarly situated co-accused has been rejected *vide* order dated 04-04-2024, passed in Cr. APP (SJ) No. 2323 of 2023.

7. Considering the aforesaid facts and circumstances of the case and taking into account the rival submissions made by the parties as also taking into account the offence being serious in nature and appeal of similarly situated co-accused being rejected, this Court is not inclined to grant bail to the appellants at this state.

8. Accordingly, the prayer for bail of the appellants, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously



preferably within a period of nine months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within the aforesaid period of nine months, the appellants will be at liberty to renew their prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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